



PUBLIC NOTICE

Federal Communications Commission
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DA 04-3857
Released: December 8, 2004

COMMENT AND REPLY COMMENT DATES FOR
NOTICE OF INQUIRY ON THE EFFECT OF FOREIGN MOBILE TERMINATION
RATES ON U.S. CUSTOMERS

IB Docket No. 04-398

COMMENTS DUE: January 14, 2005
REPLY COMMENTS DUE: February 14, 2005

On October 14, 2004, the Commission adopted a Notice of Inquiry (*NOI*) in IB Docket No. 04-398. This *NOI* seeks to develop a record on foreign mobile termination rates. It also seeks to inquire whether U.S. customers have adequate information and alternatives with regard to foreign mobile termination rates and surcharges, and whether such charges raise consumer concerns. A summary of the *NOI* was published in the Federal Register on November 15, 2004.

Pursuant to sections 1.415 and 1.419 of the Commission's rules interested parties may file comments in this proceeding on or before January 14, 2005, and reply comments on or before February 14, 2005.¹ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.²

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

¹ 47 C.F.R. §§ 1.415, 1.419.

² See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

Parties that choose to file by paper must file an original and four copies of each filing. Each filing should also include an electronic version of the comments filed. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's mail contractor, NATEK, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Comments submitted on diskette should be on a 3.5 inch diskette formatted in an IBM-compatible format using Word for Windows or compatible software. The diskette should be clearly labeled with the commenter's name, captioned The Effect of Foreign Mobile Termination Rates on U.S. Customers, IB Docket No. 04-398, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy – Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file.

All parties must file one copy of each pleading electronically or by paper to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: FCC@bcpiweb.com; facsimile: (202) 488-5563; phone (202) 488-5300.
- (2) James Ball, Chief, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail: James.Ball@fcc.gov.
- (3) Claudia Fox, Deputy Division Chief, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail: claudia.fox@fcc.gov.
- (4) Francis Gutierrez, Attorney, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail: francis.gutierrez@fcc.gov.
- (5) Mark Uretsky, Senior Economist, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail: mark.uretsky@fcc.gov.

Comments and reply comments must comply with section 1.49 and all other applicable sections of the Commission's rules.³ All parties are encouraged to include the name of the filing party and the date of the filing on each page of their submission.

Commenters that file what they consider to be proprietary information may request confidential treatment pursuant to section 0.459 of the Commission's rules.⁴ Commenters should file both their original comments for which they request confidentiality and redacted comments, along with their request for confidential treatment. Commenters should not file proprietary information electronically.⁵ Even if the Commission grants confidential treatment, information that does not fall within a specific exemption pursuant to the Freedom of Information Act (FOIA) must be publicly disclosed pursuant to an appropriate request.⁶ We note that the Commission may grant requests for confidential treatment either conditionally or unconditionally. As such, we note that the Commission has the discretion to release on public interest grounds information that does fall within the scope of a FOIA exemption.

Comments and reply comments and any other filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@bcpiweb.com. The pleadings also will be available for public inspection and copying during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 Twelfth Street, S.W., Washington, D.C. 20554 and through the Commission's Electronic Filing System (ECFS) accessible on the Commission's World Wide Website, www.fcc.gov.

This matter shall be treated as an exempt proceeding in which *ex parte* presentations are permitted (except during the Sunshine Agenda period) and need not be disclosed.

For additional information on this proceeding, contact Francis Gutierrez, francis.gutierrez@fcc.gov, or Mark Uretsky, mark.uretsky@fcc.gov of the International Bureau, Policy Division, (202) 418-1460.

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³ 47 C.F.R. § 1.49.

⁴ 47 C.F.R. § 0.459.

⁵ *See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 (1998), Order on Reconsideration, 14 FCC Rcd 20128 (1999).

⁶ *See* 47 C.F.R. § 0.461; 5 U.S.C. § 552.